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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed November 17, 2004. In the Office Action, the Examiner notes that claims 1-11 are pending and rejected. By this response, claims 1-11 continue unamended.

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated or obvious under the provisions of 35 U.S.C. §103.

REJECTION OF CLAIMS UNDER 35 U.S.C. §103

Claims 1 and 3

The Examiner has rejected claims 1 and 3 under 35 U.S.C. §103(a) as being unpatentable over Kronz (United States patent 6,675,196 B1, issued January 6, 2004, hereinafter "Kronz") in view of Crocker (RFC 822, hereinafter "Crocker"). The rejection is respectfully traversed.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Kronz and Crocker references alone or in combination fail to teach or suggest the Applicants' invention as a whole.

In general, the Examiner stated that Kronz teaches transmission and reception of electronic mail with a reliable byte-stream transport as taught in Applicants' claim 1. More specifically, the Examiner stated that Kronz discloses the steps of a "transmitter connecting to receiver...receiver sending a greeting to transmitter...transmitter replying the receiver with a greeting and an envelope...receiver replying the transmitter with status...transmitter receiving envelope status and sending message...receiver receiving message and replying the message status..." (Office Action, p. 2-3). The Applicants respectfully disagree.

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In general, Kronz discloses a method and apparatus for enabling any variety of devices to communicate with each other over a common protocol. (Kronz, Abstract). Specifically, Kronz discloses a protocol by which one device (a client device) can discover the services offered by another device (a server device), and transmission of a service-command from a client device to a server device, where the service-command identifies a particular service to be performed by the server device.

Kronz, however, does not teach each and every element of Applicants' invention as recited in independent claim 1. Namely, Kronz does not teach or suggest the limitation of "the transmitter replying the receiver with a greeting and an envelope". Specifically, Applicants' claim 1 recites:

> A process for the transmission and reception of electronic mail between computer servers over reliable byte-stream transports comprising the steps of:
>> a transmitter connecting to a receiver;
>> the receiver sending a greeting to the transmitter;
>> the transmitter replying the receiver with a greeting and an envelope;
>> the receiver replying the transmitter with the envelope status;
>> the transmitter receiving the envelope status and sending a message; and
>> the receiver receiving the message and replying with the message status.

(Emphasis added.)

As taught in Kronz, on the other hand, "[u]pon receiving the type-command, the server device responds by transmitting one or more device/service identifiers back to the client device. Each device/service identifier is unique, and represents either a specific device type, such as a thermostat, a door, a pager...or a specific service type, such as the ability to raise the temperature of the thermostat...After the server device identifies itself as being capable of using the protocol, the client device may issue commands to the server device using the unique service identifiers..." (Kronz, Column 2, Lines 35-48).

In other words, Kronz teaches transmission of a type-command identifying a particular service to be performed (or identifying services capable of being performed by the server), and transmission of a service-command to request the performance of a particular service offered by the server device. Thus, if the client device initiates a service request, the client uses the common protocol to request the service. As such, Kronz simply teaches the use of a common protocol to enable a wide variety of client devices to discover and use the services offered by a wide variety of server devices.

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Furthermore, the Examiner contends that Kronz discloses the transmitter replying to the receiver with a greeting and an envelope "wherein envelope is the service-command identifying a particular service to be performed by the server device..." As taught in Kronz, however, "[a] service-command 307 may be issued by transmitting either the full device identifier ($x_1x_2x_3$-NAME) or just the unique three letter prefix ($x_1x_2x_3$). Any necessary parameters may be passed along as well." (Kronz, Column 13, Lines 39-43). As such, Kronz simply teaches the use of a common protocol to issue service commands for performing various services available from a server. Nowhere in Kronz is there any teaching, showing or suggestion of a transmitter replying to a receiver with a greeting and an envelope, as taught in Applicants' claim 1.

By contrast, Applicants' invention claims a method for the transmission and reception of electronic mail between computer servers that requires fewer communication round trips between servers per message transferred. Specifically, the applicants' invention claims the transmitter replying to the receiver with a greeting and an envelope. The transmission of a service-command identifying a particular service to be performed, as taught by Kronz, is simply not the same as the transmission of a greeting and an envelope as taught by the Applicants' invention. Furthermore, the envelope of the present invention is not the same as a command identifying a particular service to be performed by a server device.

Therefore, the transmission of a service-command identifying a particular service to be performed, as taught in Kronz, is simply not <u>the transmitter replying the receiver with a greeting and an envelope</u>, as taught in Applicants' claim 1. Furthermore, nowhere in Kronz is there any teaching, showing, or suggestion of the transmitter replying to the receiver with a greeting and an envelope, as taught in Applicants' claim 1.

Furthermore, the Kronz reference fails to teach or suggest "the receiver replying the transmitter with the envelope status," and "the receiver replying with the message status." That is, the Applicants' invention is a process that is defined by six steps that exchange messages between the transmitter and receiver. By contrast, the Kronz reference merely discloses that subsequent to the establishment of the data connection, and in response to receiving a service command at the server device (i.e., receiver), the

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receiver transmits a status response to the client device over the data connection. (See Kronz, column 19, lines 29-38). Thus, at best, the Kronz reference discloses the receiver replying with a message status. However, as discussed above, the Applicants' invention includes the receiver replying with an envelope status and then subsequently a message status. Accordingly, the Kronz reference fails to teach or even suggest that the receiver (i.e., server of Kronz), sends two status messages back to the client device (i.e., transmitter).

Furthermore, Crocker fails to bridge the substantial gap as between the Kronz reference and the Applicants' invention. Specifically, Crocker discloses

> This standard specifies a syntax for text messages that are sent among computer users, within the framework of "electronic mail". The standard supersedes the one specified in ARPANET Request for Comments #733, "Standard for the Format of ARPA Network Text Messages".
>
> In this context, messages are viewed as having an envelope and contents. The envelope contains whatever information is needed to accomplish transmission and delivery. The contents compose the object to be delivered to the recipient. This standard applies only to the format and some of the semantics of message contents. It contains no specification of the information in the envelope. (See RFC 822, Introduction, Paragraph 1.1, 1st and 2nd paragraphs).

A combination of Kronz and Crocker fails to teach or suggest the transmitter replying a receiver with a greeting and an envelope. The Examiner contends that it is inherent to that a greeting or handshake is made when establishing a connection. The Applicants' respectfully disagree that it is inherent that a greeting or handshake is made when establishing a connection by both devices involved with the communication. For a missing element to be inherent, "extrinsic evidence must make clear that the missing descriptive matter is <u>necessarily present</u> in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. The mere fact that a certain thing <u>may result</u> from a given set of circumstances <u>is not</u> sufficient." <u>In re Robertson</u>, 49 U.S.P.Q. 2d 1949, 1950-51 (Fed. Cir. 1999) (internal quotations omitted, and emphasis added).

In this instance, the transmitter replying to the receiver with a greeting and an envelope is not a necessary element, but rather may occur under a given set of

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circumstances. In particular, all that is required is that one device provide a contact with another device to establish connectivity. There is no requirement that the transmitter reply to the receiver with a greeting in an envelope. Moreover, RFC 822 further states that "however, some message systems may use information from the contents to create the envelope. It is intended that this standard facilitate the acquisition of such information by programs. Furthermore, this standard is not intended to dictate the internal formats used by sites, the specific message system features that they are expected to support, or any of the characteristics of user interface programs that create or read messages." Accordingly, it is not inherent to that the transmitter reply to the receiver with a greeting and an envelope.

Moreover, the Examiner has improperly combined the Kronz reference with the RFC 822 standard. In particular, the Kronz reference discloses establishing a data connection with a client device over a link layer connection by transmitting a tag line message to the client device that identifies a specified data protocol with which the server device is capable of communicating. Nowhere in the Kronz reference is there any teaching or suggestion of once the receiver sends a greeting to the transmitter, the transmitter replies to the receiver with its own greeting and an envelope. Therefore, there is no motivation in the Kronz reference to adapt the protocol to include the transmitter replying to the receiver with a greeting and an envelope. Rather, the Examiner is using RFC 822 to pick and choose from the reference those elements that will support the conclusion of obviousness without the necessary motivation to combine the two references.

Moreover, nowhere in the RFC 822 reference is there any teaching or suggestion of the receiver replying to the transmitter with the envelope status, and subsequently, after the transmitter receives the envelope status and sends a message, the receiver replying with the message status. In other words, the Applicants' invention includes the receiver replying to the transmitter with the envelope status in response to the transmitter sending the receiver a greeting and an envelope, and the receiver replying with a message status upon receiving a message from the transmitter. That is, the Applicants' invention provides two status messages from the receiver to the transmitter. Since the combination of Kronz and RFC 822 fail to teach or suggest "the receiver

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replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status," the combined references fail to teach or suggest the Applicants' invention as a whole.

Therefore, the Applicants submit that independent claim 1 is not obvious in view of Kronz and Crocker alone or in any permissible combination, and as such, fully satisfies the requirements under 35 U.S.C. §103 and is patentable thereunder. Furthermore, claim 3 depends directly from independent claim 1, and recites additional features thereof. As such, and for at least the same reasons discussed above, the Applicants submit that the dependent claim 3 also fully satisfies the requirements under 35 U.S.C. §103 and is patentable thereunder. Therefore, the Applicants respectfully request that the rejections be withdrawn.

Claim 2

The Examiner has rejected Claim 2 under 35 U.S.C. §103(a) as being unpatentable over Kronz and Crocker as applied to claim 1, in further view of Skeen et al. (U.S. 5,257,369, hereinafter "Skeen") and Holmes et al. (U.S. 6,134,432, hereinafter "Holmes").

Claim 2 depends from claim 1 and recites additional features therefrom. As discussed above, the combination of Kronz and Crocker does not teach, show or suggest "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status." In addition, Skeen generally teaches a method and apparatus for providing decoupling of data exchange details for providing high performance communication between software processes. Skeen is completely devoid of any teaching, showing or suggestion of a transmitter replying to a receiver with a greeting and an envelope. Furthermore, Holmes generally teaches a multiplexing messaging gateway for wireless devices or any other suitable protocols. Holmes is completely devoid of any teaching, showing or suggestion of a transmitter replying to a receiver with a greeting and an envelope.

Nowhere in the cited references, either singly or in combination, is there any teaching, showing, or suggestion of "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the

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message status." As such, Kronz-Crocker, Skeen and Holmes fail to teach, show, or suggest the Applicants' invention <u>as a whole</u>.

As such, the Applicants submit that independent claim 1 is not obvious over Kronz and Crocker in view of Skeen in further view of Holmes, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 2 depends from independent claim 1, claim 2 is not obvious over Kronz and Crocker in view of Skeen in further view of Holmes and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

<u>Claim 4</u>

The Examiner rejected claim 4 under 35 U.S.C. §103 as being unpatentable over Kronz and Crocker applied to claim 1, in further view of Fielding (RFC 2068 – Hypertext Transfer Protocol – HTTP/1.1, January 1997, hereinafter "Fielding"). The rejection is respectfully traversed.

Claim 4 depends from claim 1 and recites additional features therefrom. As discussed above, the combination of Kronz and Crocker does not teach, show or suggest "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status", as recited in independent claim 1. In addition, Fielding generally teaches Hypertext Transfer Protocol Version 1.1, an application level protocol for distributed, collaborative, hypermedia information systems. Fielding is completely devoid of any teaching, showing or suggestion of "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status."

Nowhere in the cited references, either singly or in combination, is there any teaching, showing, or suggestion of "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status." As such, the combination of Kronz, Crocker, and Fielding fail to teach, show or suggest the Applicants' invention <u>as a whole</u>.

As such, the Applicants submit that independent claim 1 is not obvious over the combination of Kronz, Crocker and Fielding, and fully satisfies the requirements of 35

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U.S.C. §103 and is patentable thereunder. Furthermore, since claim 4 depends from independent claim 1, claim 4 is not obvious over Kronz, Crocker and Fielding and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

Claim 5

The Examiner rejected claim 5 under 35 U.S.C. §103 as being unpatentable over Kronz and Crocker in further view of Yamasaki (United States patent 5,699,517, issued December 16, 1997, hereinafter "Yamasaki"). The rejection is respectfully traversed.

Claim 5 depends from claim 1 and recites additional features therefrom. As discussed above, the combination of Kronz and Crocker does not teach, show or suggest "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status," as recited in independent claim 1. In addition, Yamasaki generally teaches a communication network system in which a plurality of information processing equipment, each holding its own program, is connected via a communication line. In particular, a user who has specified items of data processing to be performed is capable of retrieving a program that can process those items from one of the processing equipments. Yamasaki is completely devoid of any teaching, showing or suggestion of "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status."

Nowhere in the cited references, either singly or in combination, is there any teaching, showing or suggestion of "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status." As such, the combination of Kronz, Crocker, and Yamasaki fail to teach, show or suggest the Applicants' invention as a whole.

As such, the Applicants submit that independent claim 1 is not obvious over Kronz and Crocker in view Yamasaki, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 5 depends from independent claim 1, claim 5 is not obvious over Kronz and Crocker in view of

Yamasaki and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

Claim 6

The Examiner rejected claim 6 under 35 U.S.C. §103 as being unpatentable over Kronz and Crocker in further view of Richardson (Google Group, comp.os.linux.answers, January 7, 1998, hereinafter "Richardson"). The rejection is respectfully traversed.

Claim 6 depends from claim 1 and recites additional features therefrom. As discussed above, Kronz and Crocker does not teach, show or suggest "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status," as recited in independent claim 1. In addition, Richardson generally teaches the installation and use of Linux Q-mail to transmit and receive emails. In particular, Richardson teaches that Q-mail is a secure, reliable, efficient simple message transfer agent that is meant as a replacement for the entire sendmail-binmail system on typical Internet-connected UNIX hosts. Richardson is completely devoid of any teaching, showing or suggestion of "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status."

Nowhere in the cited references, either singly or in combination, is there any teaching, showing, or suggestion of "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status." As such, Kronz, Crocker, and Richardson fail to teach, show or suggest the Applicants' invention as a whole.

As such, the Applicants submit that independent claim 1 is not obvious over Kronz and Crocker in view Richardson, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 6 depends from independent claim 1, claim 6 is not obvious over Kronz and Crocker in view of Richardson and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

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Claim 7

The Examiner rejected claim 7 under 35 U.S.C. §103 as being unpatentable over Kronz and Crocker in further view of Elliot (United States patent 5,764,241, issued June 9, 1998, hereinafter "Elliot"). The rejection is respectfully traversed.

Claim 7 depends from claim 1 and recites additional features therefrom. As discussed above, Kronz and Crocker does not teach, show or suggest "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status," as recited in Independent claim 1. In addition, Elliot generally teaches a method and system for modeling and presenting integrated media with a declarative modeling language for representing reactive behavior. Elliot is completely devoid of any teaching, showing or suggestion of "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status."

Nowhere in the cited references, either singly or in combination, is there any teaching, showing or suggestion of "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status." As such, Kronz, Crocker, and Elliot fail to teach, show or suggest the Applicants' invention as a whole.

As such, the Applicants submit that independent claim 1 is not obvious over Kronz and Crocker in view Elliot, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 7 depends from independent claim 1, claim 7 is not obvious over Kronz and Crocker in view of Elliot and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

Claim 8

The Examiner rejected claim 8 under 35 U.S.C. §103 as being unpatentable over Kronz and Crocker in further view of Sriram (United States patent 5,463,620, issued October 31, 1995, hereinafter "Sriram"). The rejection is respectfully traversed.

Claim 8 depends from claim 1 and recites additional features therefrom. As discussed above, Kronz and Crocker does not teach, show or suggest "the receiver

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replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status," as recited in independent claim 1. In addition, Sriram generally teaches bandwidth allocation, transmission scheduling and congestion avoidance in broadband asynchronous transfer mode networks. Sriram is completely devoid of any teaching, showing or suggestion of "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status."

Nowhere in the cited references, either singly or in combination, is there any teaching, showing or suggestion of "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status." As such, Kronz, Crocker, and Sriram fail to teach, show or suggest the Applicants' invention as a whole.

As such, the Applicants submit that independent claim 1 is not obvious over Kronz and Crocker in view Sriram, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 8 depends from independent claim 1, claim 8 is not obvious over Kronz and Crocker in view of Sriram and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

Claims 9-10

The Examiner rejected claims 9-10 under 35 U.S.C. §103 as being unpatentable over Kronz and Crocker in further view of Foster (United States patent 5,583,993, issued December 10, 1996, hereinafter "Foster"). The rejection is respectfully traversed.

Claims 9 and 10 depend from claim 1 and recites additional features therefrom. As discussed above, the combination of Kronz and Crocker does not teach, show or suggest "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status," as recited in independent claim 1. In addition, Foster generally teaches a method for synchronously sharing data among a plurality of computer systems. Foster is completely devoid of any teaching, showing or suggestion of "the receiver replying the transmitter with the

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envelope status," and "the receiver receiving the message and replying with the message status."

Nowhere in the cited references, either singly or in combination, is there any teaching, showing or suggestion of "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status." As such, Kronz, Crocker, and Foster fail to teach, show or suggest the Applicants' invention <u>as a whole</u>.

As such, the Applicants submit that independent claim 1 is not obvious over Kronz and Crocker in view Foster, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claims 9 and 10 depend from independent claim 1, claims 9 and 10 are not obvious over Kronz and Crocker in view of Foster and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the rejections be withdrawn.

Claim 11

The Examiner rejected claim 11 under 35 U.S.C. §103 as being unpatentable over Kronz and Crocker in further view of Freed (RFC 2045, 1996, hereinafter "Freed"). The rejection is respectfully traversed.

Claim 11 depends from claim 1 and recites additional features therefrom. As discussed above, the combination of Kronz and Crocker does not teach, show or suggest "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status," as recited in independent claim 1. In addition, Freed generally teaches Multipurpose Internet Mail Extensions (MIME), specifically, the format of Internet message bodies. Freed is completely devoid of any teaching, showing or suggestion of "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the message status."

Nowhere in the cited references, either singly or in combination, is there any teaching, showing or suggestion of "the receiver replying the transmitter with the envelope status," and "the receiver receiving the message and replying with the

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message status." As such, Kronz, Crocker, and Freed fail to teach, show or suggest the Applicants' invention <u>as a whole</u>.

As such, the Applicants submit that independent claim 1 is not obvious over Kronz and Crocker in view of Freed, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 11 depends from independent claim 1, claim 11 is not obvious over Kronz and Crocker in view of Freed and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

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CONCLUSION
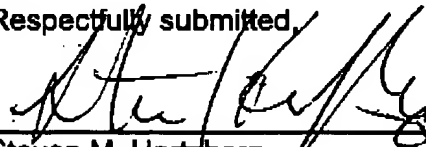
Thus, Applicants submit that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. §103. Consequently, Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring any adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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